IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 25080 of 2005(I)

PETITIONER:

K.MOIDEENKUNHI, PWD CONTRACTOR,
S/O.CHERIYA MAMMED HAJI, AGED 55 YEARS,
RESIDING AT "ZAIN", PUTHIYATHERU, KANNUR DISTRICT.

BY ADV. SRI.A.MOHAMED MUSTAQUE
SRI.M.K.SUMOD

RESPONDENTS:

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1. THE CHIEF ENGINEER (IRRIGATION),
TRIVANDRUM.

2. THE GOVT. OF KERALA,
DEPARTMENT OF IRRIGATION, REPRESENTED BY ITS
SECRETARY, TRIVANDRUM.

3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
TRIVANDRUM.

4. THE STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, TRIVANDRUM.

5. KAKKAD LABOUR CONTRACT CO-OPERATIVE
SOCIETY, REPRESENTED BY ITS SECRETARY,
REG. NO.C-1354, KAKKAD, KANNUR DISTRICT.

BY ADV. SRI.K.C.SANTHOSH KUMAR
SMT.K.K.CHANDRALEKHA
GOVERNMENT PLEADER SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.25080/2005

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE GOVT.ORDER G.O(MS)NO.135/97/CO.OP. DATED 13-11-1997

EXT.P2. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 17-11-2004.

RESPONDENTS' EXHIBITS:

EXT.R5(a). TRUE COPY OF ORDER IN O.P.NO.339/1994 IN THE HIGH COURT OF KERALA, ERNAKULAM DATED 23-2-1996

EXT.R5(b) TRUE COPY OF ENQUIRY REPORT IN F2-146/94 DATED 9-10-2002 SIGNED BY THE SUPERINTENDING ENGINEER.

EXT.R5(c). TRUE COPY OF THE CERTIFICATE ISSUED BY THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETY DATED 20-12-2002.

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH, J.

W.P(C)No.25080 of 2005

Dated this the 10th day of August, 2007

JUDGMENT

The writ petition is filed with the following prayers:-

(i) declare that labour co-operative societies are not entitled for preferential treatment in the Govt. works involving skilled labour.

(ii) issue a writ of mandamus or such other writ directing respondents 1 to 4 to strictly follow the norms and conditions in Ext.P1 for awarding contracts to the co-operative labour societies.

In view of the intervening developments referred to in the counter affidavits filed by the first and fourth respondents, in case the petitioner has still any grievance left, he may move the Government for appropriate modification of the Government order.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.